

SELMA PUBLIC MEETING - 10-25-2005

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STRATEGIC PLANNING STANDING COMMITTEE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT SELMA PUBLIC MEETING WALLACE COMMUNITY COLLEGE 300 EARL GOODWIN PARKWAY SELMA, ALABAMA October 25th, 2005 6:12 p.m. APPEARANCES: PATRICK H. BYINGTON, COMMISSIONER ONIS "TREY" GLENN, III, ADEM DIRECTOR JOHN HAGOOD, ADEM EXECUTIVE COUNSEL JEROME HAND, ADEM PUBLIC AFFAIRS	1 MR. BYINGTON: Good evening. I 2 think I know everybody here, so I -- 3 but I am Pat Byington, and I am the 4 Chair of the Strategic Planning 5 Committee for the Alabama 6 Environmental Management Commission. 7 Since our crowd is much smaller 8 tonight than what we've had in the 9 past, we're going to have -- be very 10 informal tonight and ask people to 11 just make their -- come up and make 12 their comments. 13 MS. STEWART: Do we have to come 14 up, or can we just do them from where 15 we sit? 16 MR. BYINGTON: Yes, I think you 17 can make your comments from where 18 you're sitting. 19 But I do want to thank 20 you for coming out here tonight. And 21 we have had, I believe, a very 22 successful series of public meetings 23 throughout the state. This is our		
Page 2	1 INDEX 2 3 Welcome and Introduction by: 4 MR. BYINGTON..... 3 5 6 Opening Remarks by: 7 MR. GLENN..... 4 8 9 10 Speaker: BETH STEWART..... 6 11 Speaker: ADAM SNYDER..... 18 12 Speaker: LINDA DERRY..... 21 13 14 Closing Remarks by: 15 16 MR. BYINGTON..... 24 17 18 19 Meeting adjourned..... 25 20 21 22 23	1 sixth public meeting. We started in 2 Sheffield, Alabama, went over to 3 Guntersville, Anniston, Tuskegee, and 4 then Troy; and now we're here in 5 Selma. And the -- and I did some 6 number counting, and we've had about 7 200 or more folks come to all these 8 meetings total. And the remarkable 9 number is that we've had about 50 to 10 60 speakers, people that have given us 11 comments or provided us comments. So 12 the comments have been very 13 constructive and productive, and I 14 deeply appreciate the efforts people 15 have been making. So with that said, 16 I'm going to narrow my agenda, what I 17 usually do in these meetings, and I'm 18 going to hand the meeting over to our 19 Director, Trey Glenn. 20 MR. GLENN: Well, thank you, and 21 I don't have much to say that y'all 22 haven't all heard. But we just 23 appreciate all the input that anybody	Page 4

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Page 5	<p>1 can give us. I guess I'm coming up on 2 nine months here pretty soon on the 3 job, so I've learned a lot, and I 4 still have a lot more to learn. I 5 appreciate the input that you have on 6 the Strategic Plan and on anything 7 else that we are doing, because we are 8 addressing a lot of issues that this 9 agency faces. We do have some 10 interesting challenges every day. 11 Before I walked in there and after I'm 12 there and it will be after I leave, 13 there will be challenges on the 14 environmental agency trying to do 15 business with all the different 16 external factors that are there. So 17 we feel like we're moving forward in 18 addressing some of the issues that we 19 have been given, and we have a lot 20 more to do, so we're looking forward 21 to hearing the input on that. 22 MR. BYINGTON: Thank you. Well, 23 what we'll do right now is -- we've</p>	Page 7	<p>1 organization to our members. It's not 2 just environmental groups; it's a 3 whole range of citizen groups. And 4 we're wanting to work with ADEM to 5 help transform the agency into one 6 that has the vision and the mission, 7 the leaders, the policies and the 8 resources that you need to restore and 9 protect the state's environment, to 10 safeguard human health from 11 environmental causes, and to pursue 12 environmental justice. And we 13 appreciate the progress that the EMC 14 and ADEM have been making together 15 over the past couple of years. We 16 feel that there is still a good ways 17 to go, and in order to become that 18 agency that we all envision, we -- we 19 really need you, as leaders, to make a 20 difference. And we really believe 21 that you can as leaders make a real 22 difference here. This is -- this is a 23 historic time for ADEM. And if y'all</p>
Page 6	<p>1 got two speakers on our list and 2 potentially more. 3 (Off-the-Record discussion.) 4 MR. BYINGTON: So of the two 5 speakers, the first speaker is Beth 6 Stewart. 7 MS. STEWART: I have to go 8 first? 9 MR. BYINGTON: You had a 10 fifty-fifty chance. 11 MR. GLENN: It was a coin toss. 12 MS. STEWART: Yeah, evidently. 13 Well, I'm Beth Stewart with the Cahaba 14 River Society, I think everybody 15 knows, and also the Cahaba River 16 Society is a member of the ADEM Reform 17 Coalition. And I think a lot of 18 people here know about the ADEM Reform 19 Coalition. For those of you who 20 don't, we are 38 organizations that 21 have been working together statewide 22 to -- and we're very diverse in terms 23 of the membership -- of the</p>	Page 8	<p>1 aren't going to do this at this time, 2 I'm not sure it will get done. So we 3 really are investing a lot of faith in 4 you and -- and want to do everything 5 we can to help in that process. Part 6 of this has to do with what we talked 7 about before of wanting to see ADEM 8 transform the way it views who its 9 clients are. And the agency was 10 created, I think, with the concept 11 that its main clients were the 12 business community, with the idea of 13 trying to facilitate -- permitting and 14 facilitating and being able to meet 15 environmental requirements. And it's 16 time to move beyond that and to not 17 only be an ally of business, but to be 18 an ally of the citizens as well. 19 There are a lot of citizens that are 20 working to improve the environment in 21 their communities. There's a huge 22 upwelling of citizen volunteer 23 efforts. It's all across the nation.</p>

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<p>1 It's remarkable in Alabama if you 2 think of the number of organizations, 3 watershed groups and organizations 4 that citizens have to protect the 5 environment. There are many, many 6 more organizations and people involved 7 in organizations today than there were 8 even ten years ago. That's a huge 9 amount of energy, volunteerism. 10 There's a lot of resources being 11 brought to the table in those 12 communities. And those people, I 13 think -- frankly, in the past, we've 14 seen ADEM -- many of us have seen ADEM 15 as a barrier to our efforts of what 16 we're trying to accomplish. And that 17 shouldn't be, and it doesn't need to 18 be anymore. So those citizen 19 organizations need to see ADEM as an 20 ally of their efforts. And I think 21 that that's what we're hearing is 22 where those that are leading the 23 agency want to take the agency, and we</p>	<p>1 going to happen on the ground in the 2 agency. 3 And part of that also is 4 the need for greater accountability to 5 the public. ADEM is an agency that is 6 several steps removed from direct 7 accountability. We don't elect the 8 EMC members; we don't elect the agency 9 director. And so the whole concept of 10 public accountability is one that is 11 just vitally important to ADEM right 12 now. And so I'm very interested in 13 knowing what process will be put in 14 place beyond these meetings to 15 evaluate in a very direct and public 16 way whether the Strategic Plan has 17 been met or whether there's a need to 18 further develop the Strategic Plan. I 19 would certainly, as someone who has 20 been involved in strategic planning 21 for other organizations -- the 22 Strategic Plan was an important step 23 forward. It is very general. It's</p>
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<p>1 appreciate that. 2 We have seen a very 3 valuable change in the last nine 4 months with the fact that we just feel 5 like there's a lot more listening 6 happening than there has been in the 7 past to the various citizen groups. 8 And the fact that we have access and 9 the ability to bring ideas and 10 thoughts and concerns directly to the 11 leadership, we really appreciate that 12 very much. And it's been very 13 valuable to show respect and for us to 14 understand also what you're up against 15 in what you're trying to accomplish. 16 At the same time, just -- 17 just having improved relationships in 18 listening and having the ability to 19 have input is not going to do it in 20 terms of really changing the agency; 21 and so we're, you know, waiting 22 breathlessly to see what real changes 23 do get implemented, what is really</p>	<p>1 not very specific. It's what I would 2 call in some ways the first half of a 3 strategic plan. It identifies issue 4 areas and sets in motion ways to think 5 about those issues and -- and ways to 6 come up with various proposals and 7 strategies. But it's not a full 8 strategic plan where it clearly says 9 this is where we want to be five years 10 from now, and this is what we intend 11 to do to get us there. And so in that 12 way, the Strategic Plan is not a 13 complete strategic plan. And it would 14 be extremely valuable to the public, I 15 think, if you were to take it to that 16 point and it were possible for the 17 public to have some sort of review and 18 comment and ability to participate in 19 that, because then it's all out there 20 on the table where ADEM is intending 21 to go and there's been public 22 involvement and comment in that. So 23 we would like to see that.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Similarly, we are</p> <p>2 interested in knowing -- we have a new</p> <p>3 director now at nine months, and it's</p> <p>4 pretty close to the one-year time and</p> <p>5 we're real interested in knowing</p> <p>6 what's the process that's going to be</p> <p>7 put in place to evaluate the director</p> <p>8 -- the new director, and what will</p> <p>9 that process look like, and how will</p> <p>10 the public be involved in that</p> <p>11 process. So that's the second</p> <p>12 question that I'd have that I hope</p> <p>13 that you all will be able to address</p> <p>14 -- the EMC will be able to address</p> <p>15 soon.</p> <p>16 In terms of very specific</p> <p>17 issues, the two highest priorities I</p> <p>18 want to bring to you tonight are</p> <p>19 environmental justice and enforcement.</p> <p>20 On environmental justice, the question</p> <p>21 is what's being done to establish the</p> <p>22 division of environmental justice or</p> <p>23 the office of environmental justice or</p>	<p style="text-align: right;">Page 15</p> <p>1 depresses people's health, and that is</p> <p>2 part of the cycle of what keeps</p> <p>3 communities and people in poverty.</p> <p>4 Those environmental policies over a</p> <p>5 long period of time, not</p> <p>6 intentionally, but they have had the</p> <p>7 effect in some communities of adding</p> <p>8 to that burden of keeping people in</p> <p>9 poverty. And there needs to be a</p> <p>10 proactive effort to identify those</p> <p>11 communities that are</p> <p>12 disproportionately burdened and figure</p> <p>13 out what can be done to address that.</p> <p>14 We recognize that that is moving</p> <p>15 beyond the current areas where ADEM</p> <p>16 has -- has those kinds of</p> <p>17 capabilities, but it's vital to get</p> <p>18 there. In addition to the cumulative</p> <p>19 impacts that we've asked be considered</p> <p>20 a part of the permitting process, so</p> <p>21 that in future permitting, we're not</p> <p>22 also adding to those disproportionate</p> <p>23 burdens on those communities.</p>
<p style="text-align: right;">Page 14</p> <p>1 whatever would be a way -- an</p> <p>2 effective way to begin that and create</p> <p>3 a corridor to the people that are</p> <p>4 going to live and breathe that as</p> <p>5 their primary responsibility.</p> <p>6 And we've been -- we're</p> <p>7 over a year now from when the EMC</p> <p>8 members said that they wanted that</p> <p>9 done, and, of course, there's been a</p> <p>10 big transition in that time frame, but</p> <p>11 it is time to make that happen. And</p> <p>12 we do feel that that needs to be more</p> <p>13 than just an office that communicates</p> <p>14 and improves public relations with the</p> <p>15 affected communities. It needs to</p> <p>16 have far greater impact than that.</p> <p>17 Some communities today already bear</p> <p>18 greater burdens from the state's</p> <p>19 economy than other communities. They</p> <p>20 do bear a disproportional impact.</p> <p>21 That environmental degradation that's</p> <p>22 built up in those communities over</p> <p>23 time depresses their property values,</p>	<p style="text-align: right;">Page 16</p> <p>1 On enforcement, we've had</p> <p>2 lots of conversations about this,</p> <p>3 which we've appreciated Trey. And you</p> <p>4 know our focus is on pollution</p> <p>5 prevention, stronger permits, and a</p> <p>6 stronger compliance process, and</p> <p>7 stronger penalties. And that leads us</p> <p>8 into funding. We would really feel</p> <p>9 it's time for a proposal to be brought</p> <p>10 forward that everybody can see that</p> <p>11 specifies in greater detail what are</p> <p>12 the options for improving the</p> <p>13 financial resources of the agency.</p> <p>14 One of those has got to be to make</p> <p>15 sure that permit fees reflect the full</p> <p>16 costs of ensuring adequate compliance</p> <p>17 to permits, which if it did reflect</p> <p>18 that full cost, then we wouldn't have</p> <p>19 the inability to have enough staff and</p> <p>20 equipment to undertake the compliance</p> <p>21 activities that we have today. And</p> <p>22 that's something that we feel is just</p> <p>23 a very important thing to address.</p>

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1 And then finally I've got
2 to mention that we are extremely -- I
3 know this isn't within the power of
4 anybody in this room, but we're just
5 extremely concerned that with the
6 vital importance of the Environmental
7 Management Commission today that the
8 Governor has not made those two
9 appointments, and there's really no
10 excuse for it. It's got to be done.

11 And that's all I wanted
12 to say to you. Thank you very much
13 for the opportunity.

14 MR. BYINGTON: Thank you, Beth.

15 I just wanted to
16 recognize two people from the
17 department here today also, John
18 Hagood, who is counsel, and Jerome
19 Hand, who is public relations. Is
20 that correct?

21 MR. HAND: Yes, sir.

22 MR. BYINGTON: I wanted to make
23 sure I got it right.

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1 Our next speaker is Adam
2 Snyder.

3 MR. SNYDER: I didn't check
4 anything, but I've got a small item to
5 add to that; either that, or we sit
6 and listen to silence, and that would
7 be difficult to translate for the
8 record.

9 But the one area that I
10 wanted to mention -- my name is Adam
11 Snyder with the Alabama Rivers
12 Alliance, for the record -- is an area
13 that, Director Glenn, I don't believe
14 that we've had a chance to talk about
15 since you've come on board, but it's
16 an issue that we've addressed with
17 Commissioner Byington and with ADEM
18 over the last few years. We're about
19 to enter -- it's time again for
20 triannual review on water quality
21 standards. The last time ADEM did
22 that review, Alabama Rivers Alliance
23 submitted comments about the standards

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1 and suggestions for revisions. To
2 date we have never received comment
3 back from the agency. I find that
4 particularly important -- you know,
5 that time has passed; obviously we're
6 not going to get comments from three
7 years ago. But it's very important
8 for the tenets of the ADEM Reform
9 Coalition as far as public
10 participation. We want to learn, that
11 this is part of our learning process,
12 what the thought process is for ADEM
13 making the decisions that you make.
14 And there are many times that we have
15 learned in talking with staff and in
16 talking with leadership that the
17 statement has been, well, you don't
18 understand or there's a lot of other
19 issues that are at play here. And we
20 realize that. We realize that we
21 don't have the full understanding of
22 what ADEM has to consider when they
23 make the decisions, but we want to

Page 20

1 learn so we can make thoughtful
2 comments to the agency and so we can
3 be more understanding of the decisions
4 that ADEM makes. It's very important
5 as far as our public participation
6 aspect of -- of the blueprint and of
7 -- of just generally what we're trying
8 to get is that transparency of agency
9 decisions. If decisions are solid and
10 are made in good stead, I think they
11 can be easily explained and that can
12 be translated to the public so they
13 can get a better understanding of what
14 needs to be done and what is being
15 done as far as decisions at ADEM as
16 far as improving our environment. So
17 we hope we will again engage with the
18 agency when those standards are out,
19 those draft standards. We will again
20 submit comments, and we're hoping that
21 this go-round we can get some feedback
22 from those comments so we can learn
23 and we can be a partner in helping the

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1 agency develop the best standards
2 possible.

3 MR. BYINGTON: Thank you.
4 Linda, you have a "maybe" on here.

5 MS. DERRY: Okay. I guess I
6 represent the ill-informed public that
7 doesn't understand what ADEM does.

8 MR. BYINGTON: Linda Derry.

9 MS. DERRY: D-E-R-R-Y. I'm the
10 site director at Old Cahaba. And I
11 interface with ADEM in a number of
12 ways actually, but I still don't have
13 a good understanding of -- often
14 what's going on. We get permits for
15 our public water system through ADEM,
16 and we've actually received grants
17 through the Public Outreach 319 grant
18 money to do outreach education with
19 school groups and Boy Scouts. There's
20 lots of kids here in this area. And I
21 can only say good things about the
22 people in that department that we've
23 worked with. They've been very

1 helpful and wonderful. So, great.

2 The other thing that I
3 came across was this Cahaba River
4 Management Plan, and I have to say
5 I've had a very bad taste over the
6 last few years with that. And I guess
7 it kind of relates to what Beth was
8 saying. I saw in your plan a lot of
9 vague stuff about stakeholders, and
10 just -- you know, with the
11 understanding that sometimes I don't
12 have a good understanding of who all
13 the players are in dealing with Cahaba
14 River, but because I'm interested in
15 tourism and, you know, now the Black
16 Belt Initiative for Experiential
17 Tourism of the Governor's, this is an
18 important thing, especially in this
19 area. But in -- in that experience I
20 had, you know, we had to fight our way
21 in the lower counties. We were
22 treated sort of like the Bubbas that
23 didn't have anything to contribute.

1 And the planning was just taken over
2 by the behemoth up there in
3 Birmingham. So my thing that I'd like
4 to express is that I think ADEM really
5 needs to really work on their
6 stakeholder thing. And diversity, you
7 need to work at that. It's just not
8 going to happen, and you're going to
9 have to take some extra steps to get
10 more of a diverse voice, because
11 Alabama is a very diverse place, and
12 we all deserve to have a voice.

13 And in particular I felt
14 that -- sometimes we get involved with
15 things, and we're the little
16 workhorses, and we get things done,
17 and then you get to a point and, like,
18 the big dogs come in and push us and
19 elbow you off the table. So forestry,
20 big agriculture, developers, industry
21 tends to seem to take over things when
22 it gets to planning and when decisions
23 happen. And I just want you to think,

1 especially for our region, tourism, I
2 mean, we -- we need that river to be
3 clean. It's important to us. We have
4 an economic -- we are an economic
5 force in Alabama, especially in the
6 Black Belt, and we need to have a
7 voice at the table. So not only
8 tourism, but also the diversity of,
9 you know, rural folks who --
10 everything from Birmingham washes down
11 and comes up on the shore there at the
12 site that I administer. So it's very
13 important to us. That's, I guess, the
14 one thing I want -- I want you really
15 to work at the stakeholder thing. You
16 need a diverse voice when it comes to
17 making a new decision.

18 MR. BYINGTON: Okay. Thank you
19 very much. Anyone else want to make a
20 comment?

21 (No response.)

22 MR. BYINGTON: All right. Here
23 ends the public meeting. Our next

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1 public meeting is going to be in
2 Spanish Fort on November 1st, and it
3 should be a nice trip down there, and
4 it will be our seventh and last
5 meeting. Our next Commission meeting
6 will be Friday, November 4th, so I
7 hope all of you can attend that
8 meeting also.

9 So with that said, I want
10 to again thank you for coming out
11 tonight, and I guess I may see some of
12 you in Spanish Fort or in Montgomery
13 on November 4th. Thank you very much.

14
15
16 (Meeting adjourned.)
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23

1 thereof.

2
3 Done this the 7th day of November,
4 2005.

5
6 *Karen B. Drinkard /MH*
7

8 Karen B. Drinkard, CSR
9 Reporter and Notary Public
10 State of Alabama at Large
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1 *****

2 REPORTER'S CERTIFICATE

3 *****

4
5 I, Karen B. Drinkard, Certified
6 Shorthand Reporter and Notary Public
7 in and for the State of Alabama at
8 Large, do hereby certify that I
9 reported stenographically and then
10 reduced to typewritten form by means
11 of computer-aided transcription my
12 stenographic notes of the foregoing
13 ADEM Public Meeting in Selma, Alabama.

14
15 I further certify that the
16 foregoing transcript is a true and
17 correct transcript of the proceedings
18 contained herein.
19

20 I further certify that I am
21 neither of kin nor of counsel to the
22 parties to said meeting, nor in any
23 manner interested in the results

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